



Martin O'Malley, *Governor*
Anthony G. Brown, *Lt. Governor*
Abigail Ross Hopper, Esq., *Director*

**Amendment #1 to
Requests for Proposals (RFP)
Community Wind Services
PROJECT NO. DEXR4400001
October 28, 2013**

Ladies and Gentlemen:

This Amendment is being issued to amend and clarify certain information contained in the above named RFP. All information contained herein is binding on all offerors who respond to this RFP. Specific parts of the RFP have been amended. The following revisions /deletions / additions are listed below; new language has been double underlined and marked in bold (ex. **new language**) and language deleted has been marked with a strikeout (ex. ~~language deleted~~).

1. Change the word “responsive” to “responsible” in the following Sections and Attachments:

Sec 1.15 - The Contract shall be awarded to the ~~responsive~~ **responsible** Offeror submitting the Proposal that has been determined to be the most advantageous to the State, considering price and evaluation factors set forth in this RFP (see COMAR 21.05.03.03F), for providing the goods and services as specified in this RFP. See RFP Section 5 for further information.

Sec 1.33.4 – Last paragraph- *If the recommended awardee fails to return each completed document within the required time, the Procurement Officer may determine that the recommended awardee is not ~~responsive~~ **responsible** and, therefore, not eligible for Contract award. If the Contract has already been awarded, the award is voidable.*

Sec 1.34 - A solicitation for services under a State contract valued at \$100,000 or more may be subject to Md. Code Ann., State Finance and Procurement Article, Title18. Additional information regarding the State’s living wage requirement is contained in Attachment G. Bidders/Offerors must complete and submit the Maryland Living Wage Requirements Affidavit (Attachment G-1) with their Bid/Proposal. If a Bidder/Offeror fails to complete and submit the required documentation, the State may determine a Bidder/Offeror to be not ~~responsive~~ **responsible** under State law.

Sec 4.4.3.6a - The Offeror shall address each Scope of Work requirement (Section 3.2) in its Technical Proposal and describe how its proposed services, including the services of any proposed subcontractor(s), will meet or exceed the requirement(s). If the State is seeking Offeror agreement to any requirement(s), the Offeror shall state its agreement or disagreement. Any paragraph in the Technical Proposal that responds to a Scope of Work (Section 3.2) requirement shall include an explanation of how the work will be done. Any exception to a requirement, term, or condition may result in having the Proposal classified as not reasonably susceptible of being selected for award or the Offeror deemed not ~~responsive~~ **responsible**.

Sec 5.4 - Although Maryland law does not authorize procuring agencies to favor resident Offerors in awarding procurement contracts, many other states do grant their resident businesses preferences over Maryland contractors. Therefore, COMAR 21.05.01.04 requires that procuring units apply a reciprocal preference under the following conditions:

- The most advantageous offer is from a ~~responsive~~ **responsible** Offeror whose headquarters, principal base of operations, or principal site (that will primarily provide the services required under this RFP) is in another state.

Sec 5.5.1 – Second paragraph- In either case (i.e., with or without discussions), the State may determine an Offeror to be not ~~responsive~~ **responsible** and/or an Offeror's Proposal to be not reasonably susceptible of being selected for award at any time after the initial closing date for receipt of Proposals and prior to Contract award. If the State finds an Offeror to be not ~~responsive~~ **responsible** and/or an Offeror's Technical Proposal to be not reasonably susceptible of being selected for award, that Offeror's Financial Proposal will be returned if the Financial Proposal is unopened at the time of the determination.

Sec 5.5.2.4 - The Financial Proposal of each Qualified Offeror (a ~~responsive~~ **responsible** Offeror determined to have submitted an acceptable Proposal) will be evaluated and ranked separately from the Technical evaluation. After a review of the Financial Proposals of Qualified Offerors, the evaluation committee or Procurement Officer may again conduct discussions to further evaluate the Offeror's entire Proposal.

Sec 5.5.3 - Upon completion of the Technical Proposal and Financial Proposal evaluations and rankings, each Offeror will receive an overall ranking. The Procurement Officer will recommend award of the Contract to the ~~responsive~~ **responsible** Offeror that submitted the Proposal determined to be the most advantageous to the State. In making this determination, technical factors will receive equal weight with financial factors.

Attachment D, Solicitation and Contract Formation – Within 10 Working Days from notification that it is the apparent awardee or from the date of the actual award, whichever is earlier, the apparent awardee shall provide the following documentation to the Procurement Officer:

- a) Outreach Efforts Compliance Statement (Attachment D-2)
- b) Subcontractor Project Participation Certification (Attachment D-3)
- c) If the recommended awardee has requested a waiver (in whole or in part) of the overall MBE goal, it shall submit the Minority Contractor Unavailability Certificate (**Attachment D-6**) and a fully documented waiver request that complies with COMAR 21.11.03.11.
- d) Any other documentation required by the Procurement Officer to ascertain Bidder/Offeror responsibility in connection with the certified MBE participation goal.

NOTE: If the apparent awardee fails to return each completed document within the required time, the Procurement Officer may determine that the apparent awardee is not

~~responsive~~ **responsible** and therefore not eligible for Contract award. If the Contract has already been awarded, the award is voidable.

Attachment D-1 – Second Paragraph-

I understand that if I am notified that I am the apparent awardee, I must submit the following additional documentation within 10 Working Days of receiving notice of the potential award or from the date of conditional award (per COMAR 21.11.03.10), whichever is earlier.

- (a) Outreach Efforts Compliance Statement (Attachment D2);
- (b) Subcontractor Project Participation Certification (Attachment D3); and
- (c) Any other documentation, including waiver documentation, if applicable, required by the Procurement Officer to ascertain Bidder/Offeror responsibility in connection with the certified MBE participation goal.

I understand that if I fail to return each completed document within the required time, the Procurement Officer may determine that I am not ~~responsive~~ **responsible** and therefore not eligible for Contract award. If the Contract has already been awarded, the award is voidable.

2. Revise Section 1.33.9 as follows:

The Bidder/Offeror is advised that liquidated damages will apply in the event the Contractor fails to comply in good faith with the provisions of the MBE program and pertinent Contract provisions. (See Attachment A, §~~39~~ **35**).

3. Revise Section 5.2.3 as follows:

Offeror Qualifications, and Capabilities, including proposed Subcontractors (See RFP § 4.4.3.8 – 4.4.3.14—**10**)

Proposals may not be submitted by e-mail or facsimile. Proposals are due on Monday, November 15, 2013 no later than 4:00 p.m. Should you require clarification of the information provided in this addendum, please contact me at (410) 260-7752 as soon as possible.

Date Issued: **October 28, 2013**

Issued by:

Maria Ulrich
Procurement Officer